IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 11283 of 2007(R)

PETITIONER:

DR.V.V.SHINCYMOL,
TUTOR, GOVT. AYURVEDHA COLLEGE,
THRIPUNITHURA.

BY ADV. SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.

RESPONDENTS:

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1. DIRECTOR GENERAL OF POLICE,
LAW AND ORDER, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.

2. SUPERINTENDANT OF POLICE,
IDUKKI.

3. STATION HOUSE OFFICER,
RAJAKKADU POLICE STATION, IDUKKI.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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W.P.(C). No.11283 Of 2007

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Dated this the 30th day of July, 2007

JUDGMENT

The petitioner is a doctor. Her husband also is a doctor. Her husband was treating a patient an ailing woman. She was under his treatment for a long period of time. He had changed her medicine and gave another ayurvedic preparation to her. When she consumed that medicine, she became sick. It appears that there was criticism against the medicine given by the doctor, the petitioner's husband, as it caused illness to the patient. The doctor, to assure the patient and her relatives that nothing will go wrong if the medicine is consumed, took some medicine himself. He fell sick and went into coma. Suspicion was generated. Investigation was conducted. It was revealed in the course of investigation that the husband of the patient had after opening the medicine bottle put some poison and mixed it with the medicine. It was because of that poison, the patient and doctor became sick. Crime has been registered. Investigation is in progress. The petitioner has now come to this Court with the grievance that no proper investigation is being conducted.

2. The Investigating Officer has filed a statement where he had given details of the various steps taken in the investigation of the crime. The petitioner is still not satisfied. The learned counsel for the petitioner submits that there is possibility that the accused and his relatives may settle the disputes between them. This will frustrate further investigation in this case. Justice may be denied to the petitioner, if they resort to such course. In these circumstances, the learned counsel for the petitioner prays that separate crime may be ordered to be registered in so far as the offence allegedly committed against the husband of the petitioner is concerned. This in short is the plea raised.

3. I have gone through the relevant details and I find that the apprehension of the petitioner appears to be without any basis. The statement has been perused by me. A proper investigation is being conducted and I find no inadequacy in the investigation which would justify the investigation being transferred to any other official now. The apprehension of the petitioner that a separate crime has not been registered in respect of the crime committed against the husband of the petitioner, is found to be without any merit or basis as the statement filed by the Investigating Officer clearly shows and

the learned Public Prosecutor undertakes that the investigation is being conducted into the crime committed against the husband of the petitioner also. Even if the accused and his relatives settle the disputes between them the same will not effect the conduct of the investigation. Proper investigation shall be conducted in that event also in so far as the crime committed against the husband of the petitioner herein is concerned, it is submitted.

I am satisfied that no further directions need to be issued. However, considering nature and circumstances of this case and I am satisfied that the Superintendent of Police, Idukki can be directed to ensure that a proper investigation is conducted. He shall personally supervise and monitor the investigation conducted by the Investigating Officer. This petition is accordingly allowed in part. The above directions are issued to the 2nd respondent.

(R.BASANT, JUDGE)

sj